



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

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**THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
IS SOLICITING PROPOSALS FOR:**

NONPOINT SOURCE POLLUTION PREVENTION PROGRAM 319(h) GRANTS

REQUEST FOR PROPOSALS NO. 319-2012-01

OPENING DATE & TIME: Friday, July 20, 2012 @ 8:00 AM

DEADLINE FOR SUBMISSION: Friday, September 7, 2012 @ 5:00 PM

The actual RFP document consists of 8 pages.

A copy of this Request for Proposal (RFP) may be obtained by any of the following methods:

1. Retrieve this document from the Nevada Division of Environmental Protection's website at <http://ndep.nv.gov/bwqp/npsgwp.htm> or at <http://ndep.nv.gov/bwqp/index.htm>.
2. Retrieve the document from the State of Nevada, Purchasing Division's website at <http://purchasing.state.nv.us/> and click on "Current Services RFP Opportunities."
3. E-Mail us at bwidegren@ndep.nv.gov and/or jkuchnic@ndep.nv.gov and request a copy of the RFP be forwarded to you. Please include your organization's name, address, contact name, phone number and fax number.

INTRODUCTION

The Nevada Division of Environmental Protection (NDEP) seeks proposals for projects and programs to reduce nonpoint sources of pollution within the state. Selected proposals will be awarded federal funds available under Section 319(h) of the Clean Water Act (CWA). Selected proposals will be administered by the Nevada Nonpoint Source Pollution Management Program (NPS Program). Proposals will be accepted for consideration until **5 p.m., Friday, September 7, 2012**. Approximately \$1 million dollars in federal grant funds is available; state and local governments as well as nonprofit organizations are eligible to apply.

Congress established the National NPS Program with passage of the 1987 amendments to the CWA. Although some progress has been made over the past years, NPS pollution continues to be the primary cause of water quality impairments throughout Nevada and the nation. In recent years, the U.S. Environmental Protection Agency (USEPA) has increased the NPS Program's focus on 303(d)-listed waters, emphasizing the development and implementation of Total Maximum Daily Loads (TMDLs) to help solve water quality problems at the watershed level. Information on the national NPS Program is available online at: www.epa.gov/OWOW/NPS. Nevada's 2006 303(d) Impaired Waters List is available online at: ndep.nv.gov/bwqp/303dlist.htm.

FUNDING DESCRIPTION

The following guidelines are based on USEPA guidance documents and NPS Program priorities. Applicants are encouraged to show a strong sense of collaboration and partnership with other state and local agency agendas for water quality improvement. Most importantly, all proposed projects should have measurable environmental results.

1. **What types of funds are available?** Two types of 319(h) funds are available: Base and Incremental.
 - a. **Base Funds.** Base funds are the traditional 319(h) program funds that can be used for a variety of NPS-related projects. Examples of base-funded projects include: demonstration and evaluation of Best Management Practices (BMPs); public education programs on NPS pollution management; programs that focus on the protection of threatened waters, source water or other high-priority unimpaired waters; and monitoring and assessment associated with an implementation project. Approximately \$200,000 in base funds are available as part of this RFP.
 - b. **Incremental Funds.** Incremental funds are applied toward TMDL or watershed plan implementation projects (restoration projects). The overall goal of these projects is to restore waters that are on Nevada's 303(d) List of Impaired Waters. To qualify for 319(h) incremental funding, restoration project proposals must implement TMDLs or watershed-based plans that satisfy USEPA's requirements (see Attachment A for additional information on the "nine required elements"). Approximately \$800,000 in incremental funds are available as part of this RFP. Requirements for specific watersheds are as follows:
 - i. *Lake Tahoe Basin Projects* – must implement components of the Environmental Improvement Program.
 - ii. *Las Vegas Wash Projects* – must implement components of the Las Vegas Wash Comprehensive Adaptive Management Plan.
 - iii. *Carson River Basin Projects* – must implement components of the Carson River Watershed Plan.

Note: If an agency has developed a TMDL implementation or watershed-based management plan for other 303(d)-listed waters, the plan may be submitted concurrently with any proposals for projects affecting those waters. Applicants must document how the plan meets USEPA's "nine required elements" (see Attachment A). Upon review and approval of the plan by NDEP, these proposals will be considered for 319(h) funding.

2. **Who is eligible?** The following agencies and organizations are eligible to apply for and receive 319(h) funds:
 - a. Federal, State, local, tribal governments;
 - b. Interstate and intrastate public agencies;
 - c. Public and private nonprofit organizations; and
 - d. Educational institutions.
3. **What activities are eligible?** The following activities qualify for 319(h) funding under this particular RFP:
 - a. Direct implementation of Best Management Practices (BMPs) or demonstration of new and innovative BMP technologies;
 - b. Training and/or technical assistance to landowners regarding BMP installation and/or maintenance;
 - c. Monitoring to measure project/BMP effectiveness;
 - d. Education to raise the level of public awareness about NPS pollution and its effect on water quality;
 - e. Urban stormwater pollution prevention activities (including Low Impact Development) that are not specifically required by a draft or final National Pollutant Discharge Elimination System (NPDES), Phase I or Phase II Stormwater permit; and
 - f. Special projects that meet one or more of the state priorities identified on Page 6 (Section 3.b.)
4. **What activities are not eligible?** The following **do not** qualify for 319(h) funding under this particular RFP:
 - a. General planning, assessment, research or TMDL development activities;
 - b. Activities related to specific requirements of a draft or final NPDES, Phase I or Phase II Stormwater permit; and
 - c. Ambient monitoring or monitoring to determine if a waterbody is impaired.

IMPORTANT CONSIDERATIONS FOR APPLICANTS

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1. **Contractual Agreement.** Applicants approved for 319(h) funding must enter into a legal contract with the State of Nevada. The contract forms, which include specific NDEP terms and conditions, were developed and approved by the State of Nevada and the NDEP Administrator. Applicants must be willing to accept—without revision—the language and conditions contained in the contract forms. Copies of these forms are available upon request for your review.
2. **Reimbursable Funds.** 319(h) funds are available only on a reimbursable basis. Therefore, applicants must have the ability to pay for project expenses upfront and then request reimbursement from NDEP by submitting invoices with proof of payment of expenses on a quarterly basis.
3. **Non-Federal Match Requirement.** The project budget must include non-federal match (cash and/or in-kind) funds of at least 50% of the total project cost. Letters of commitment from agencies providing cash match funds must be submitted with the proposal.
4. **Monitoring and Maintenance.** Proposals must include a plan for monitoring and (if applicable) maintaining the project. Installed BMPs must be properly operated and maintained for the intended purpose(s) over the expected lifespan of the practice(s). The proposal workplan should identify the expected lifespan of each practice and outline an appropriate inspection and maintenance schedule. *Be sure to include monitoring and maintenance costs in your project budget.* If appropriate, provisions must be made for operation and maintenance of the project to be carried out after the official contract expires.
5. **Permits.** Permits may be required for some implementation projects. If applicable, be sure to allow sufficient time and funds to obtain the permits required for your project. See Attachment B for more information.
6. **Liability Insurance.** Additional liability insurance requirements are imposed on independent contractors and/or subcontractors. If you anticipate hiring an independent contractor (i.e., consulting firm or private business) to complete all or a portion of the proposed work, please contact the NPS Program staff for additional information (see contact info on Page 5).
7. **Final Report.** The grantee must submit a detailed final report to NDEP for approval prior to the contract expiration date. NDEP reserves the right to withhold payment of the final invoice until an acceptable final report is received. Be sure to include final report preparation costs in the project budget and allow sufficient time to prepare and, if necessary, revise the final report.

PROPOSAL SELECTION PROCESS

1. Timeline

- a. **Proposal Deadline.** Proposals must be received no later than 5:00 pm PST on Friday, September 7, 2012. Submittals by US Mail* postmarked by the deadline will be accepted.

*Electronic submittal of the application is required unless a determination of hardship is made by Bureau Staff.

- b. **Proposal Review & Selection.** The committee will review proposals during the period from September 7, 2012 through December 1, 2012.

- c. **Award Notification & Contract Development.** The committee will notify grant award recipients and create contract documents after December 1, 2012.

2. Submittal of Proposals



Detailed 319(h) Grant Proposal and Electronic Form (E-Form) Instructions are available online at <http://ndep.nv.gov/bwgp/npsgwp.htm>. Project proponents are *required* to use and electronically submit the E-Form, with qualified exceptions only in case of hardship. For details, consult the Grant Proposal and E-Form Instructions.

Please contact Birgit Widegren at (775)-687-9550 or via email at bwidegren@ndep.nv.gov if you have any questions concerning the proposal application, or if you would like to discuss project ideas and/or project eligibility. Note that the proposal review committee may contact you for additional information and/or to request a site visit.

Project proponents will be given an opportunity to present their proposal to the Review Committee at NDEP's office in Carson City, Nevada, either in person or via conference call due to budget and travel limitations. Eligible applicants will be contacted regarding times and dates for presentations. A presentation is NOT required for a proposal to be fully considered; however, it is recommended that proponents consider giving a presentation, as it gives the Review Committee an opportunity to ask questions.

3. **Proposal Evaluation Criteria.** Allocation of available funds will be competitively determined by a Review Committee. The following criteria will be considered in evaluating and ranking the submitted proposals:
- a. **Water quality benefit.** The proposal must clearly describe how the project will contribute to the restoration, enhancement or preservation of the ecological integrity of Nevada's waters. Priority will be given to projects that predict a measurable reduction in nonpoint source pollutant load and indicate how the reduction will be measured and reported.
 - b. **State priority.** State priorities are described in the Funding Description section. Additionally, the NPS Program is interested in supporting the following types of projects:
 - i. Projects that will result in a **measurable** and **reportable** reduction in nonpoint source pollutant load;
 - ii. Projects that include funding from the USDA Environmental Quality Incentives Program (**EQIP**);
 - iii. Proposals that fund projects involving one or more Conservation District(s);
 - iv. Projects with multiple partners such as agencies, nonprofit organizations and/or others;
 - v. Projects that incorporate Low Impact Development (**LID**) techniques;
 - vi. Projects that address urban runoff issues not required by a NPDES Phase I or Phase II permit; and
 - vii. Projects that exceed the non-federal match requirement of 50% of the total project cost.
 - c. **Interagency coordination.** The proposal clearly defines level of commitment from cooperating agencies and outlines the responsibilities of each.
 - d. **Monitoring.** The proposal clearly defines how progress in meeting project goals and objectives will be monitored and evaluated.
 - e. **Maintenance.** If applicable, the proposal clearly describes the proponent's willingness and ability to maintain the project over its design life.
 - f. **Public outreach.** Public outreach/education proposals identify the target audience and outline effective outreach methods and measures of success. Implementation proposals include specific efforts to educate the public about the project and, if appropriate, transfer technology to potential users.
 - g. **Cost effectiveness.** The proposal minimizes administrative, overhead and indirect costs, and equipment purchases.
 - h. **Past performance.** If applicable, the performance of the applicant on previous 319(h) contracts (e.g., timeliness and accuracy of submitted reports and invoices, fulfillment of contractual obligations) will be considered.
 - i. **Quality and completeness of the proposal.** Applicants **must** adhere to the detailed 319(h) Grant Proposal and E-Form instructions available via the internet link found in this RFP. The quality of the proposal is considered a reflection of the quality of work that will be performed by the grantee.

ATTACHMENT A

Nine Required Elements of a Watershed-Based Plan

1. An identification of the causes and sources or groups of similar sources that will need to be controlled to achieve the load reductions estimated in this watershed-based plan (and to achieve any other watershed goals identified in the watershed-based plan), as discussed in item (2) immediately below. Sources that need to be controlled should be identified at the significant subcategory level with estimates of the extent to which they are present in the watershed (e.g., X number of dairy cattle feedlots needing upgrading, including a rough estimate of the number of cattle per facility; Y acres of row crops needing improved nutrient management or sediment control; or Z linear miles of eroded streambank needing remediation).
2. An estimate of the load reductions expected for the management measures described under paragraph (3) below (recognizing the natural variability and the difficulty in precisely predicting the performance of management measures over time). Estimates should be provided at the same level as in item (1) above (e.g., the total load reduction expected for dairy cattle feedlots; row crops; or eroded streambanks).
3. A description of the NPS management measures that will need to be implemented to achieve the load reductions estimated under paragraph (2) above (as well as to achieve other watershed goals identified in this watershed-based plan), and an identification (using a map or a description) of the critical areas in which those measures will be needed to implement this plan.
4. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon, to implement this plan. As sources of funding, States should consider the use of their Section 319 program, State Revolving Funds, USDA's Environmental Quality Incentives Program and Conservation Reserve Program, and other relevant Federal, State, local and private funds that may be available to assist in implementing this plan.
5. An information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the NPS management measures.
6. A schedule for implementing the NPS management measures identified in this plan that is reasonably expeditious.
7. A description of interim, measurable milestones for determining whether NPS management measures or other control actions are being implemented.
8. A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made towards attaining water quality standards and, if not, the criteria for determining whether this watershed-based plan needs to be revised or, if a NPS TMDL has been established, whether the NPS TMDL needs to be revised.
9. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under item (8) immediately above.

ATTACHMENT B

Permit Requirements for Implementation Projects

Required permits may include (but are not limited to):

1. The **CWA Section 404 Permit** for discharge and/or fill activities affecting waters of the US, administered by the U.S. Army Corps of Engineers (USACE). Additional information regarding USACE's permitting requirements is available at:

<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting.aspx>

The Section 404 permit application and instructions may be downloaded at:

<http://www.usace.army.mil/Portals/2/docs/civilworks/permitapplication.pdf>

You may also contact the Nevada Regulatory Office at 775-784-5304.

2. The **Temporary Permit for Working in Waterways** (formerly known as the Rolling Stock Permit), administered by NDEP's Bureau of Water Pollution Control (BWPC). Additional information regarding BWPC's permitting programs is available at:

ndep.nv.gov/bwpc/forms.htm

The Working in Waterways permit application and instructions may be downloaded at:

ndep.nv.gov/bwpc/tmpwtrwy.pdf

You may also contact BWPC at 775-687-9418.

3. The **CWA Section 401 Water Quality Certification**, administered by NDEP's Bureau of Water Quality Planning (BWQP). Through this program, BWQP certifies whether the proposed activity will or will not violate state or federal water quality standards. Additional information regarding BWQP's program is available at:

ndep.nv.gov/bwqp/401cert.htm

You may also contact BWQP at 775-687-9444.

Permit applications may require fees and/or surveys (e.g., cultural resources surveys, Threatened & Endangered Species surveys). The costs associated with applying for required permits may be included in the project budget. The project proponent must provide NPS Program staff with copies of the permit application(s) and/or issued permit(s).